IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.531 OF 2006**
IN
CRIMINAL WRIT PETITION NO.1578 OF 2006

Rajan Mohammed Usuf Kokani ..Applicant
V/s
The State of Maharashtra & Ors. ..Respondent.

Ms. Leena Patil h/f Mr.P.M..Prahdan, Advocate for the Applicant.

Mr.Y.S. Shinde, APP for the State.

**CORAM : J.H. BHATIA, J.**

**DATE : 13TH APRIL, 2007.**

P.C.

. Heard Ms. Leena Patil , learned Counsel for the Applicant and Mr. Shinde, learned APP for the State. None for respondent No.2.

2. This is an application for restoration of writ petition No. 1578/2006, which was dismissed for default on 18th August, 2006, as none was present for the applicant on that day. In paragraph 2 of the application it is stated that on 7/8/2006, the matter was adjourned to next day but as the matter could not reach it was adjourned to 18th August, 2006. On 7th and

8th August the matter was before the Court, presided over by the Hon'ble Mr. Justice D.B. Bhosale. However, on 18th August, 2006, it was before the Hon'ble Mr. Justice A.S. Oka and due to mistake on the part of the Advocate, he could not notice the matter on board on 18th August, 2006.

3. In view of the reasons given above, I am satisfied that the writ petition deserves to be restored. Therefore, the application is allowed. Writ Petition No.1578/2006 is hereby restored to the file.

**(J.H. BHATIA, J.)**